

103^D CONGRESS
1ST SESSION

H. R. 2354

To limit judicial interference in the management of the Nation's prisons and jails and permit incarceration of greater numbers of dangerous offenders, without restricting the legitimate constitutional rights of inmates.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 1993

Mr. CANADY (for himself and Mr. McCOLLUM) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To limit judicial interference in the management of the Nation's prisons and jails and permit incarceration of greater numbers of dangerous offenders, without restricting the legitimate constitutional rights of inmates.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the “Prison Litigation
4 Relief Act of 1993”.

1 **SEC. 2. ACTIONS CHALLENGING CONDITIONS OF CONFINEMENT.**
 2 **MENT.**

3 (a) IN GENERAL.—Title 28, United States Code is
 4 amended by inserting after chapter 176 the following new
 5 chapter:

6 **“CHAPTER 177—ACTIONS CHALLENGING**
 7 **CONDITIONS OF CONFINEMENT**

“Sec.

“3401. Limitations on remedies.

“3402. Consent decrees.

“3403. Modification of orders or decrees.

8 **“§ 3401. Limitations on remedies**

9 “(a)(1) If the district court, in any action challenging
 10 the constitutionality of conditions of confinement in any
 11 prison, jail, detention facility, or other correctional institu-
 12 tion housing persons accused or convicted of a crime or
 13 juveniles adjudicated delinquent, finds that one or more
 14 conditions of confinement are in violation of the United
 15 States Constitution, the court shall narrowly tailor any re-
 16 lief to fit the nature and extent of the violations and shall
 17 make the order no more intrusive than absolutely nec-
 18 essary to ensure that the violations are remedied. The
 19 court shall have no jurisdiction—

20 “(A) to impose a ceiling on the population of
 21 any institution or to require any adjustment of the
 22 release dates of inmates; or

1 “(B) to prohibit the use of tents or prefab-
2 ricated structures for housing inmates.

3 **“§ 3402. Consent decrees**

4 “(a) No consent decree in any action challenging the
5 constitutionality of conditions of confinement in any pris-
6 on, jail, detention facility, or other correctional institution
7 housing persons accused or convicted of a crime or juve-
8 niles adjudicated delinquent shall provide relief greater
9 than the minimum required to bring the conditions of con-
10 finement into substantial compliance with the United
11 States Constitution.

12 “(b) In entering a consent decree, the court shall
13 make a written finding that the relief provided in the de-
14 cree is no greater than the minimum required to bring
15 the conditions of confinement into substantial compliance
16 with the United States Constitution. If it appears to the
17 court that the relief provided in the decree is greater than
18 the minimum required, the court may recommend changes
19 in the decree.

20 **“§ 3403. Modification of orders or decrees**

21 “(a)(1) Upon motion of a defendant at any time, the
22 court may conduct a hearing on whether an order or de-
23 cree described in section 3401 or 3402 of this title should
24 be modified in light of—

1 “(A) changed factual circumstances affecting
2 the operation of the order or decree, whether or not
3 foreseeable;

4 “(B) a change or clarification of the governing
5 law, whether or not foreseeable;

6 “(C) a succession in office of an official respon-
7 sible for having consented to a decree;

8 “(D) the government’s financial constraints or
9 any other matter affecting public safety or the pub-
10 lic interest; or

11 “(E) any ground provided in Rule 60(b) of the
12 Federal Rules of Civil Procedure.

13 “(2) The court shall conduct such a hearing if the
14 motion was filed more than one year after the date of the
15 order or decree or the date on which the last previous
16 modification hearing was conducted, whichever is later.

17 “(b) If the court denies a motion to modify an order
18 or consent decree under subsection (a) of this section, the
19 court shall make a written finding that the relief provided
20 in the order or decree, as of the date of decision, is no
21 greater than the minimum required to bring the conditions
22 of confinement into substantial compliance with the
23 United States Constitution.”.

24 (b) CLERICAL AMENDMENT.—The table of chapters
25 at the beginning of part VI of title 28, United States Code,

- 1 is amended by inserting after the item relating to chapter
- 2 176 the following:

“177. Actions Challenging Conditions of Confinement 3401”.

